

§ 179-38.2 Recreational Marijuana Establishments

- a. Recreational Marijuana Establishments (RME) shall conform to 935 CMR 500.000: Adult Use of Marijuana, and shall only be permitted pursuant to this Section and the requirements stated herein.
- b. The special permit granting authority for RMEs shall be the Planning Board.
- c. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for an RME, as licensed by the Massachusetts licensing authority. Any new license for an existing RME location or transfer of an existing license to a new owner of an RME shall require a new special permit pursuant to Section 179-51 and site plan review pursuant to Section 179-64 of the Brewster zoning bylaws.

§ 179-38.3 Applicability of Regulations

- a. The cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as a RME under this section.
- b. Pursuant to MGL c.94G, §3(a)(2), the number of recreational Marijuana Retailers shall be limited to one (1) establishment in Brewster which is fewer than 20 per cent of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL c.138 §15 (package store licenses). Any Medical Marijuana Dispensary, licensed or registered not later than July 1, 2017 engaged in retail sale of marijuana or marijuana products, shall be exempt from this limitation for purposes of converting from a Medical Marijuana Dispensary to a recreational Marijuana Retailer.
- c. The number of any type of RMEs, except recreational Marijuana Retailers, shall be limited to not more than two (2) of the same type of RME in Brewster.
- d. On-site consumption of recreational marijuana products at RMEs shall be prohibited unless permitted by a local ballot initiative process, as allowed by MGL 94G §3(b).
- e. RMEs are commercial uses and shall be located in stand-alone structures, not connected to any other building or use.
- f. Hours of operation for recreational Marijuana Retailers shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to MGL 138 §15 but may be limited by conditions of the special permit.

§ 179-38.4 Definitions

Any term not specifically defined herein shall have the meaning as defined in MGL c.94G, §1 and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use Marijuana.

- a. "Recreational Marijuana Establishment" shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL c.94G, §1 or the Cannabis Control Commission Regulations 935 CMR 500.00.
- b. "Marijuana Retailer" - an entity licensed by the Cannabis Control Commission to purchase and deliver recreational marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer recreational marijuana and marijuana products to marijuana establishments and to consumers, as defined in MGL c.94G, §1 and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use Marijuana
- c. "Medical Marijuana Dispensary" - an entity registered by the Department of Public Health or the Cannabis Control Commission that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers medical use marijuana, products containing medical use marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

§ 179-38.5 General Requirements

- a. No RME shall be located within 500 feet, as measured from each lot line of the subject lot, of the following pre-existing uses: a K-12 educational use; childcare center; public park; playground; or children's camp.
- b. Applicants for an RME shall provide the licensing agent's approved security plan to the Police Chief and Fire Chief prior to the granting of a Special Permit.
- c. An approved Host Community Agreement shall be required prior to the granting of a Special Permit for a RME.

§ 179-(XX)(Reserved)

179-11 Table of Use Regulations

	R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
Marijuana Cultivator	-	-	-	S	-	S	-	-
Marijuana Product Manufacturer	-	-	-	S	-	S	-	-

Effective March 12, 2018

Independent Testing Laboratory	-	-	-	S	-	S	-	-
Marijuana Retailer	-	-	-	S	S	-	-	-
Any Other Licensed Recreational Marijuana Establishment	-	-	-	S	-	S	-	-
Medical Marijuana Dispensary (MMD)	-	-	-	S	S	-	-	-

- = Prohibited

S = Special Permit